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January 19, 2024

**VIA E-FILING**

Hon. Mark W. Pedersen  
United States Magistrate Judge  
U.S. District Court – W.D.N.Y.  
100 State Street  
Rochester, New York 14614

**Re: Shenea James, as administrator of the estate of Dedrick James, deceased  
v. United States of America, et al.  
23-CV-6057**

Dear Judge Pedersen:

This letter request is made in support of the Government's motion for an order extending the deadlines contained in this Court's Case Management Order by 120 days to allow the parties an opportunity to complete all necessary discovery. **This motion is on consent of all parties.**

This action was commenced in state court on December 14, 2022. Dkt. # 1, Exh. 1. The Government removed the case to this Court on January 20, 2023. Dkt. # 1. The Government moved to partially dismiss the Complaint on January 27, 2023. Dkt. # 3. In response to the motion to dismiss, Plaintiff filed an amended complaint on February 7, 2023. Dkt. # 6. On February 9, 2023, the Government moved to partially dismiss the Amended Complaint. Dkt. 7.

On May 2, 2023, the Court issued a Case Management Order which, among other things, set the deadline for motions to compel as January 19, 2024 and the deadline for fact discovery as January 31, 2024. See Dkt. # 20.

The Government's motion to partially dismiss the Amended Complaint was granted on May 11, 2023. Dkt. # 21. In the Decision and Order, the Court ordered the substitution of the Government as defendant in place of individual defendants Smith, Baker, Devinney, and Ulatowski and ordered all claims against them dismissed. The Court also dismissed the fourth (negligent planning), ninth (negligent planning), and thirteenth (failure to intervene) causes of action against the Government. The claims that remain against the Government are the third (assault and battery), fifth (negligence), tenth (wrongful death), eleventh

(negligence), and twelfth (assault and battery) causes of action. Dkt. # 21. The Government answered the Amended Complaint on June 5, 2023. Dkt. # 25.

On July 10, 2023, the Court dismissed all claims asserted against Monroe County Sheriff Todd Baxter. Dkt. # 29. Accordingly, the only defendants remaining in the case are the Government, the City of Rochester, and Rochester Police Department Officer Richard Arrowood.

Since May 2023, the parties have engaged in significant written discovery including interrogatory practice and the exchange of hundreds of pages of documents. The parties have not yet taken depositions because we are negotiating the terms of a protective order which is a precondition to the exchange of certain law enforcement sensitive documents and it does not make sense to take depositions until all relevant documents have been exchanged. I can report that the parties are very close to agreeing on the form of a protective order and anticipate submitting it to the Court for review and approval next week. Once the protective order is in place, the parties can complete the exchange of documents and engage in deposition practice. Accordingly, the Government requests an extension of the deadlines contained in this Court's Case Management Order by a period of 120 days including an extension of discovery to May 31, 2024. This is the first request for an extension of the Case Management Order from any party. All counsel are in agreement with the extension request made in this motion.

Very truly yours,

TRINI E. ROSS  
United States Attorney

*s/Michael S. Cerrone*

BY: MICHAEL S. CERRONE  
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MSC/dec

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